

Sociology Paper

Submitted for Testimony Reconciliation Hearings

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Ancient Ka'anapali Beach, Maui

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Introduction

For over 100 years since the overthrow of the Hawaiian Monarchy by the United States of America, Native Hawaiians have struggled to adapt to a model of government imposed upon them. Native Hawaiians or Kanaka Mauoli, continue to acculturate themselves to the dominant American or Western ideologies. Assimilation on the part of the Hawaiian people has occurred for the most part, yet we still fall behind in terms of health, income, housing and high incarceration rate. In this paper I intend to apply my sociological imagination and make reasonable connections as to why Hawaiians are the largest ethnic group occupying our State correctional facilities. I have included tables and figures gathered off of the web to support my theory that there is a certain discrepancy between the rate of Native Hawaiian offenders placed in custody as compared to other ethnic groups. I also supply evidence of my theory based on eight years of participant observation as a correctional officer responsible for escorting inmates to court for disposition on their cases and noticing the differences that are apparent when an individual has a public defender or is not able to afford ones own attorney. I also touch on the cultural relativity of the situation where Hawaiians are less apt to want to question authority than other ethnic groups based on observation and supported by data.

Sociological Perspectives

Functionalism and *Conflict theory* are the sociological perspectives which best explain why Hawaiians trail other ethnic groups in such areas as education, housing and income. From the *functionalist* perspective one must realize that Hawaiians have not completely integrated with American society. Hawaiians have maintained their own cultural identity which attempts to coexist with the Western ideologies, but because of the difference in traditional beliefs and customs, many Kanaka Mauoli feel disconnected. Hawaiians express this by seeking their own self determination through the Sovereignty movement. Since the overthrow, adjustment and adapting to the rapid change in their environment has proved a forbidding task.

The natives' struggle for a more powerful voice borrows from the conflict theory in that a sustained feeling of separateness from American society still exists. Unfortunately this distinction between the two groups is evident in criminal case decisions also where the defendant is of Hawaiian ancestry. Hawaiians have argued the jurisdiction of the American government in court only to incur judicial retaliation and wound up incarcerated themselves.

Statistical Data

Table 1¹ The Racial Composition of the State of Hawai'i: 1990.

Race	1990		1990	
	Census Bureau^a		Health Surveillance^b	
	Population Estimate	Percent	Population Estimate	Percent
Caucasian	369,616	33.35%	262,605	24.10%
Hawaiian	138,742	12.52%	205,079	18.82%
Chinese	68,804	6.21%	51,294	4.71%
Filipino	168,682	15.22%	123,641	11.35%

¹ United States. Bureau of the Census. 1990 *Census of Population. General Population Characteristics, Hawaii. 1990 CP-1-13*. (Washington, 1992). Hawai'i State. Department of Health, Health Surveillance Program. Special Tabulation. (Honolulu).

Japanese	247,486	22.33%	222,014	20.38%
Others	114,899	10.37%	224,940	20.64%
Total	1,108,229		1,089,573	

^a Hawaiian as defined by the U.S. Bureau of the Census. "The Concept of race as used by the Census Bureau reflects self-identification; it does not denote any clear-cut scientific definition of biological stock."

^b Hawaiian as defined by the Health Surveillance Program. The Health Surveillance Program (HSP) examined the ethnic background of the parents of each individual as provided by that individual. Racial background of each individual is based on the racial composition of his/her parents. Consequently, a determination can be made between those of Pure-Hawaiian ancestry and those of mixed-Hawaiian ancestry. The Program does not cover the institutionalized populations (military barracks, nursing homes, prisons, dormitories), the Island of Ni'ihau and Kalaupapa Settlement in their research. Note: The data is based on a sample and is subject to sampling variability. Since 1989, Portuguese are classified as "Other Hispanic," no longer as "Caucasian."

The population of Hawai'i shown in table 1 above, has Hawaiians making up 12.2% of the population according to the 1990 census bureau and 18.82% by State of Hawai'i, Department of Health standards. The method in which one decides ethnicity can alter the ethnic distribution of a region. There is a significant difference in the Native Hawaiian population reported by the U.S. Bureau of the Census and the, Health Surveillance Program. The 2000 census is expected to alleviate this variance with improved design to the ethnic distribution formula. By both standards we still can conclude that the number of Hawaiians are fewer than Caucasians and Japanese and maybe even Filipinos.

Among Adults in Hawai'i, Whites were arrested for Index Offenses(See Table 2) more often than any other ethnic group: 36% of the total. Japanese and Chinese adults were arrested at a lower rate than their proportion to populations of 20.38% and 4.71% respectively. Hawaiians on the other hand were over-represented in all adult arrest categories except larceny-theft. These arrest rates compiled by Hawai'i Police Departments submitted for the Federal Bureau of Investigations Uniform Crime Reports. Hawaiians have disproportionately been arrested more than other ethnic groups to the point that criminal tendencies are attached to their cultural

identity much in the same way that Blacks are on the mainland.

Data showing the incarceration rates of ethnic groups remanded to the custody of the Department of Public Safety(See Table 3), demonstrate a disproportionate amount of Hawaiians (36.5%)making up the total sentenced-felon population put behind bars compared to Caucasians(20.5%). The question I ask is “Why is it that the arrest rate for offenses committed by other ethnic groups in Hawaii are higher than those of the native Hawaiian population, yet a discrepancy exists in the amount of Hawaiians who are incarcerated compared to those of, say Caucasian decent?”

Table 2²

² State of Hawaii, Office of the Attorney General, Crime Prevention and Justice Assistance Division *Crime In Hawaii*, (Honolulu: Correctional industries printing, 1999

Race/Ethnicity of Adults Arrested for Index Offenses
State of Hawaii, 1998

OFFENSE (ROW %)	WHITE	BLACK	INDIAN	CHINESE	JAPANESE	FILIPINO	HAWAIIAN	KOREAN	SAMOAN	OTHER	TOTAL
MURDER	8 44.4	2 11.1	0 0.0	0 0.0	0 0.0	3 16.7	4 22.2	0 0.0	1 5.6	0 0.0	18 100.0
FORCIBLE RAPE	31 27.9	9 8.1	0 0.0	2 1.8	4 3.6	17 15.3	31 27.9	2 1.8	5 4.5	10 9.0	111 100.0
ROBBERY	102 27.2	25 6.7	0 0.0	7 1.9	27 7.2	35 9.3	99 26.4	8 2.1	30 8.0	42 11.2	375 100.0
AGGRAVATED ASSAULT	143 28.3	28 5.5	1 0.2	8 1.6	19 3.8	79 15.6	120 23.7	18 3.6	30 5.9	60 11.9	506 100.0
BURGLARY	293 39.4	25 3.4	1 0.1	13 1.7	40 5.4	76 10.2	206 27.7	2 0.3	21 2.8	67 9.0	744 100.0
LARCENY- THEFT	1,985 38.7	206 4.0	1 0.0	127 2.5	405 7.9	617 12.0	1,034 20.1	99 1.9	109 2.1	552 10.7	5,135 100.0
MOTOR VEHICLE THEFT	250 28.6	33 3.8	0 0.0	13 1.5	68 7.8	125 14.3	258 29.5	11 1.3	41 4.7	75 8.6	874 100.0
ARSON	3 11.5	0 0.0	0 0.0	1 3.8	0 0.0	2 7.7	10 38.5	0 0.0	3 11.5	7 26.9	26 100.0
TOTAL	2,815	328	3	171	563	954	1,762	140	240	813	7,789
COLUMN % OF TOTAL	36.1	4.2	0.0	2.2	7.2	12.2	22.6	1.8	3.1	10.4	100.0

Row percentages may not total 100.0 due to rounding.

Table 3³

Race	State Fiscal Years Ended June 30					
	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96
Caucasian	19.8%	20.7%	19.8%	20.5%	19.2%	20.5%
Hawaiian ^a	38.8%	39.8%	39.9%	39.3%	40.0%	36.5%
Chinese	0.6%	0.6%	0.8%	1.0%	0.7%	0.6%
Filipino	7.7%	8.1%	8.1%	9.1%	9.6%	9.3%

³ Hawai'i State. Department of Public Safety. *A Statistical Report on Hawaii's Prison Population, Admissions, and Releases, Fiscal Years 1990-1991 to 1995-1996*. (Honolulu, 1997).

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Japanese	3.2%	3.3%	3.1%	3.2%	3.1%	3.7%
Black	4.8%	5.0%	5.9%	5.1%	5.1%	5.3%
Korean	0.3%	0.5%	0.4%	0.3%	0.7%	0.7%
Samoan	4.5%	4.6%	4.6%	5.1%	5.1%	5.0%
Other	19.9%	15.9%	15.4%	14.8%	14.9%	16.6%
Unknown	0.4%	1.6%	2.0%	1.8%	1.7%	1.9%
Sentenced Felon Population	1,533	1,612	1,718	1,757	1,812	1,909

^a Hawaiians and Part-Hawaiians.

Theories

Is there is a prejudice that exists against the native Hawaiians or are there other aspects such as education, income and cultural factors, which could be connected to the high rate of incarceration. Hawaiians are catching up in the arena of education but a majority of the inmates I have come in contact with do not have a high school diploma. A lack of education makes it difficult for anyone to defend oneself in court. Most choose to take a plea agreement and just get the incident behind them.

Because numerous Hawaiians cannot afford their own attorneys, Public Defenders are utilized in most cases. Public defenders are good attorneys but heavy caseloads make it impossible for them to spend much time on their cases. Culture can also be seen as a cause, while Hawaiians are taught not to question authority and take what comes their way. Changing policies to address these situations may have a positive affect in reducing the number of Hawaiians in custody but first more studies must be done to get at the root causes of this problem. State Government databases are in the process of integrating so information can be cross referenced by different agencies. Information is a powerful tool when one knows how to use it.

Conclusion

I am not the only one who sees the disparity in the number of Hawaiians in Hawaii's State Correctional Facilities. If the Judicial System would acknowledge the fact, then

something could be done to remedy the situation. Being a Correctional Officer and watching it occur is one of the toughest parts of my job because I am Hawaiian too.